

**REMARKS**

Favorable reconsideration of this application is requested in view of the following remarks.

Figures 11-13 have been revised to include the indication of "Prior Art" are attached herewith as requested.

The title of the present application in the specification has been amended as requested.

Claims 17-21 have been canceled without prejudice.

Claim 14 has been amended editorially and further supported by Fig. 6 and the specification at page 17, para. [0066].

Claims 14, 17-19, and 21 have been objected to because of informalities. Claims 17-19 and 21 have been canceled, and claim 14 has been amended to include a transitional phrase "comprising" for the device. Accordingly, the preamble and body of the claim are clear, and this objection should be withdrawn.

Claims 12-15, 20, and 21 have been rejected under 35 U.S.C. 102(e) as being anticipated by Hwang et al. (U.S. Patent Application Publication No. 2005/0265191). Applicant respectfully traverses this rejection.

The May 11, 2004 filing date of the foreign priority document JP 2004-141424 of the present application is prior to Hwang's March 9, 2005 U.S. filing date and a publication date of the foreign priority document KR 37535 of Hwang filed on May 25, 2004 in Korea. The verified translation of JP 2004-141424 is attached hereto. Accordingly, Hwang cannot be prior art against the present application, and this rejection should be withdrawn.

Claims 12-14 and 21 have been rejected under 35 U.S.C. 102(b) as being anticipated by Russell (U.S. Patent No. 6,327,679). Applicant respectfully traverses this rejection.

Russell discloses a disc storing media and a method of handling a particular error and recovery for the disc, and when a sector previously identified as good is unrecoverable, an “unusable” bit associated with the replacement sector is set to indicate that the data is bad (see abstract and coln. 1, lines 25-27). Thus, the unusable bit indicates whether the corresponding replacement sector contains bad data (see coln. 4, lines 57-60), and the unusable bit for which unusable bit has been set is cleared after writing to or formatting of the replacement sector (coln. 5, lines 3-6). The reference, however, fails to disclose that a significant user data is not present in any of the defective area and the substitute area after physical reformatting of the information recording medium as claim 12 requires. Thus, in Russell, after the reformatting, the significant user data may be present in the original defective sector registered in that entry even if the unusable bit were cleared after reformatting of the replacement sector.

It is known that in the information recording medium such as DVD and BD media, all the sectors in a unit for which physical recording and reproduction is performed, i.e., the ECC block, need to be read once, which is so called “Read-Modify-Write” processing. Thus, when the ECC block is defective, the reading processing and the subsequent recording processing cannot be performed. By having the defect location information and defect status information, the disc recording and reproduction drive does not need to execute the Read-Modify-Write processing at the defect location and can avoid a situation that the data cannot be reproduced and thus cannot be recorded (page 9, para. [0032] and page 19, para. [0074] of the specification). Thus, claim 12 is distinguished from Russell.

Claim 13, which also recites recording the attribute of the defect status information that indicates significant user data is not present in any of the defective area and the substitute area as a result of physical reformatting of the information recording medium, is distinguished from Russell for at least the same reasons as discussed above.

The information recording device of claim 14 includes the initialization processing module, which overwrites the defect status information with an attribute indicating that significant user data is not present in any of the defective area and the substitute area as a result of physical reformatting upon receiving an execution instruction of physical reformatting of the information recording medium. Thus, claim 14 is distinguished from Russell for at least the same reasons as discussed for claim 12 above.

Claims 15 and 16, which depend from claim 14, are distinguished from Russell for at least the same reasons as discussed for claim 12 above.

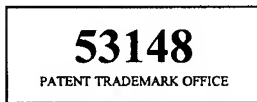
Accordingly, this rejection should be withdrawn.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russell (U.S. Patent No. 6,327,679) in view of Kulakowski et al. (U.S. Patent No. 5,303,219). Applicant respectfully traverses this rejection.

Claim 16, which depend from claim 14, is distinguished from Russell for at least the same reasons as discussed above.

Kulakowski discloses a method of identifying sectors having defects on an optical disc (see abstract). Kulakowski, however, does not remedy the deficiencies of Russell, and this rejection should be withdrawn.

In view of the above, Applicant requests reconsideration of the application in the form of a Notice of Allowance.



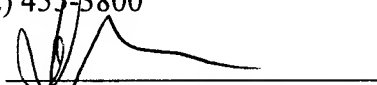
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Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &  
LARSON, P.C.  
P.O. Box 2902-0902  
Minneapolis, MN 55402-0902  
(612) 455-3800

By:

  
Douglas P. Mueller  
Reg. No. 30,300